

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Petition for Waiver of Sections 20.18(e)-(i))
Federal Communications Commission's Rules)
Concerning Compliance with Phase II of the)
Enhanced 911 Requirements)

CC Docket No. 94-102 /
DA 00-2704

To: The Commission

REPLY COMMENTS OF HAWAIIAN WIRELESS, INC.

Hawaiian Wireless, Inc. ("HWI" or "Company"), by its attorneys and in response to the Federal Communications Commission ("FCC" or "Commission") December 4, 2000 Public Notice¹, respectfully submits its Reply Comments in response to the Comments submitted regarding HWI's Petition for Waiver of Sections 20.18(e)-(i) of the FCC's Rules². In general, the Comments support HWI's claim that the unique characteristics of its system, as described in the Petition, warrant at least a reasonable extension of the Phase II E911 compliance deadline. The Comments filed by the Grayson Wireless Division of Allen Telecom Inc. ("Grayson") suggest that Grayson may have a more immediate technical solution that would enable the Company to proceed more promptly toward E911 compliance. Based on those Comments, HWI and Grayson have begun to explore the applicability of Grayson's technology to HWI's system, and ask that the FCC defer any

¹ See, *Public Notice*, WTB Seeks Comment on Phase II E911 Implementation Waiver Requests filed by Nextel Communications, Inc. and Hawaiian Wireless, Inc., CC Docket No. 94-102 (rel. Dec. 4, 2000) ("Public Notice").

² Hawaiian Wireless, Inc., *Petition for Waiver*, filed November 9, 2000 ("Petition").

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action on the Petition until the parties have completed their technical review and reported their findings to the Commission.

I A NUMBER OF PARTIES SUPPORTED AT LEAST A REASONABLE EXTENSION OF TIME FOR HWI TO ACHIEVE PHASE II E911 COMPLIANCE.

In its Petition, HWI described the unique characteristics of its system in which cellular equipment has been "down-banded" to operate on 800 MHz Specialized Mobile Radio ("SMR") spectrum. The Company explained that Ericsson, its sole supplier of both infrastructure and handset equipment, had advised HWI that Ericsson would not provide a Phase II E911 solution for the Company's system. On that basis, and since HWI and, presumably, Ericsson were unaware of any E911-compliant technology compatible with HWI's system, at least without replacing the entire network and all subscriber units with more broadly deployed wireless technology, the Company requested a waiver of the Phase II E911 requirements or, in the alternative, a two-year extension to meet those obligations.³

Four parties filed Comments regarding HWI's Petition in response to the FCC's Public Notice.⁴ The Association of Public-Safety Communications Officials-International, Inc. ("APCO"), representing public safety communications organizations generally, and Public Safety Answering Points (PSAPs) specifically, concurred with HWI that the Company, "appears to be in a uniquely

³ The Petition also explained that consumers on Oahu have numerous alternative CMRS offerings on which E911 capability will be available; grant of waiver relief to HWI would not leave those desirous of such service without access to a variety of E911-capable systems. It also noted that HWI had never received a request from a PSAP to provide 911 capability.

⁴ At least one additional party, Pacific Wireless Technologies, Inc. ("Pacific"), specifically noted that its Comments referred to the Nextel Communications, Inc. ("Nextel") waiver request only, and that it was not addressing HWI's Petition.

difficult situation that may well justify a waiver."⁵ APCO recommended that the FCC adopt an alternative compliance deadline for HWI's system, one that "would allow for an orderly replacement of the HWI system that does not place an undue burden on HWI or its subscribers."⁶ The National Emergency Number Association ("NEMA"), an organization with the mission of fostering a universal emergency telephone number system, while critical of HWI's technology choice because of its now apparent E911 limitations, nonetheless concluded that if an extension were to be granted it should be with conditions that "will move HWI steadily toward compliance."⁷ By contrast, AT&T Wireless Services, Inc. ("AT&T"), a competitive operator which arguably could derive a marketplace advantage from the disruption or discontinuance of HWI's system, nonetheless concluded:

Clearly, HWI's exceptional circumstances justify a waiver, or in the alternative, a two-year extension of the Phase II E911 implementation deadline to replace its entire system if it chooses to do so.⁸

II HWI AND GRAYSON NOW ARE REVIEWING HWI'S POTENTIAL IMPLEMENTATION OF GRAYSON'S GEOMETRIX™ TECHNOLOGY

The only party specifically recommending that the Petition be denied was Grayson. Its position was based on its conclusion that its own E911-compliant technology could be deployed on HWI's system, even with its unique characteristics:

⁵ APCO Comments at p. 6.

⁶ *Id.*

⁷ NEMA Comments at p. 5.

⁸ AT&T Comments at p. 4.

While this specific frequency combination is indeed unusual, it is not a technologically imposing obstacle for a network-based caller location system such as Grayson Wireless' Geometrix™ system.⁹

Until receiving these Comments, HWI had been unaware of Grayson's Geometrix™ system or its potential applicability to the Company's system.¹⁰ Upon reviewing the pleading, HWI promptly contacted Grayson and the parties, with Ericsson's assistance as appropriate, are in the process of determining whether this technology is a realistic option for HWI.¹¹ HWI has advised Grayson of its intention to recommend that the FCC take no action in respect to the Company's Petition until this technical analysis has been completed, and has been advised that Grayson supports such an approach.

III CONCLUSION

No party has challenged the Petition's claim that the Company's system has unique technical characteristics that make E911 compliance unusually challenging. HWI will continue working with Grayson in the hope that its Geometrix™ technology will prove to be a viable solution. HWI asks

⁹ Grayson Comments at p. 3.

¹⁰ As noted in its Petition, the Company had made informal inquiries of infrastructure and handset vendors other than Ericsson; none had suggested Grayson as an option or even mentioned it as a possibility. In addition, the first field test of the Geometrix™ system was not completed until the second half of 2000.

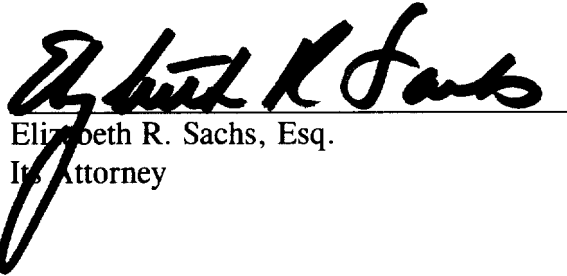
¹¹ Among other matters, HWI is eager to learn the results of the TDMA field trials Grayson currently is conducting with AT&T.

that the Commission hold the Company's Petition in pending status until the parties have completed their technical review and reported their findings to the FCC.

Respectfully submitted,

HAWAIIAN WIRELESS, INC.

By:

A handwritten signature in black ink, appearing to read "Elizabeth R. Sachs", written over a horizontal line.

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January 22, 2001

CERTIFICATE OF SERVICE

I, Linda Evans, an employee in the law offices of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 22nd day of January 2001 sent by first class mail, postage pre-paid, a copy of the foregoing Reply to the following:

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